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Applicant: Brissette
Appl. No.: 10/021,054
Filed: December 19, 2001
Title: TANDEM CONNECTION MONITORING
Attorney Docket No.: 583P17US
Pub. No.: US 2003/0115307 A1
Pub. Date: June 19, 2003

This is in response to the request for correction of patent application publication under 37 CFR 1.221(b), which was received on August 19, 2003.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication includes errors in claim 5, paragraph (b) wherein the line improperly ends with "transit", not "transit through", as filed and in paragraph (e) which improperly includes the phrase "by a transmitting unit".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The patent application publication does not include a material error and the application was properly published. With respect to the alleged errors in paragraphs (b) and (e), the corrections will not be made as the published application correctly reflects the application as originally filed. The phrase "transit through" does not occur in paragraph (b) and the phrase "by a transmitting unit" ends paragraph (e).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant's request for a corrected patent application publication on August 19, 2003, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

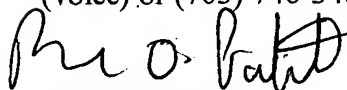
Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and questions should be addressed as follows:

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The application will be examined in due course.

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).



Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy